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15 THE UNITED STATES DISTRICT COURT  
16 FOR THE EASTERN DISTRICT OF CALIFORNIA

17 JAMES SANFORD, } Case No. CIV.S 04-1535 DFL CMK  
18 Plaintiff, }  
19 vs. } STIPULATION TO EXTEND THE  
20 GMRI, INC. DBA RED LOBSTER, and } DATE TO TAKE THE DEPOSITION  
21 DOES 1 through 10, } OF MICKEY BARRETT  
22 Defendants. }  
23

24 The parties hereby stipulate to extend the date to conduct the deposition  
25 of defense expert Mickey Barrett. The current date by which all depositions must  
26 be completed is August 24, 2005.

27 Plaintiff's counsel had originally noticed Mr. Barrett's deposition to occur  
28 on July 8, 2005. However, due to a death in Mr. Barrett's family, the parties  
agreed to postpone Mr. Barrett's deposition. Defense counsel agreed to  
produce Mr. Barrett at a later date.

**SANFORD v. RED LOBSTER, et al., Case No. CIV S. 04-1535 DFL CMK**  
**Stipulation to Extend the Date to Take the Deposition of Mickey Barrett**

Counsel met and conferred to agree upon a mutually convenient date. The deposition of Mickey Barrett was re-noticed for August 4, 2005. The parties are circulating settlement documents. Defense counsel is unavailable for deposition on August 4, 2005, counsel agreed to reschedule Mr. Barrett's deposition.

Defense counsel is on vacation from August 15, 2005 through August 23, 2005. The earliest date to conduct the deposition is August 26, 2005.

Therefore, the parties respectfully request that the discovery cut-off be extended thirty (30) days for the sole purpose of taking the deposition of Mickey Barrett.

If Mickey Barrett is not produced for deposition within the thirty (30) days, defendant agrees to withdraw Mr. Barrett as an expert and therefore cannot rely on his opinions, testimony and/or written statements at trial or for the defense of this action.

July 29, 2005

## LAW OFFICES OF LYNN HUBBARD, III

/s/ Lynn Hubbard, III

LYNN HUBBARD, III

July 29, 2005

## JEFFER, MANGELS, BUTLER & MARMARO

Signature on File

MARTIN H. ORLICK

## IT IS SO ORDERED:

That the current discovery cut-off be extended for thirty (30) days to take the deposition of Mickey Barrett. Accordingly, the date to take Mickey Barrett's deposition is extended to September 24, 2005.

Dated : August 3, 2005

/s/ David F. Levi

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**JUDGE OF THE DISTRICT COURT**